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In re Application of SUN et al :
U.S. Application No.: 10/593,908 :
PCT Application No.: PCT/CN2005/000387 :
Int. Filing Date: 28 March 2005 : DECISION
Priority Date Claimed: 26 March 2004 :
Attorney Docket No.: 514572002800 :
For: METHODS AND BIOCHIPS FOR :
DETECTING SMALL MOLECULE COMPOUNDS :

This is in response to the "Request for Reconsideration of Decision and Statement Pursuant to MPEP §1893.01(e)" filed 12 November 2008, which is being treated as a petition under 37 CFR 1.181.

BACKGROUND

On 28 March 2005, applicant filed international application PCT/CN2005/000387, which claimed priority of an earlier China application filed 26 March 2004. A copy of the international application was communicated to the USPTO from the International Bureau on 06 October 2005. The thirty-month period for paying the basic national fee in the United States expired on 26 September 2006.

On 22 September 2006, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1).

On 06 June 2007, the DO/EO/US mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905), which indicated that an oath or declaration in compliance with 37 CFR 1.497 must be filed.

On 06 September 2007, applicant filed an executed declaration along with a petition under 37 CFR 1.497(d).

On 23 September 2008, this Office mailed a decision dismissing the 06 September 2007 petition.

On 12 November 2008, applicant filed the present petition under 37 CFR 1.181.

DISCUSSION

The present petition states that there has been no change in inventorship and that the discrepancy with respect to the surname of the sixth inventor was due to an inadvertent typographical error in the international phase. Applicant's explanation for the error is accepted.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.181 is GRANTED.

The application has an International Filing Date under 35 U.S.C. 363 of 28 March 2005, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 06 September 2007.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision.



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